

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IN RE

AIR CARGO SHIPPING SERVICES
ANTITRUST LITIGATION

MDL No. 1775

06-MD-1775 (JG) (VVP)

THIS DOCUMENT RELATES TO:
All Actions

**PLAINTIFFS' NOTICE OF MOTION FOR PRELIMINARY APPROVAL
OF SETTLEMENT WITH DEFENDANTS SCANDINAVIAN
AIRLINES SYSTEM AND SAS CARGO GROUP A/S**

PLEASE TAKE NOTICE THAT, upon the Declaration of Howard J. Sedran in Support of Plaintiffs' Motion for Preliminary Approval of Settlement with Defendants Scandinavian Airlines System and SAS Cargo Group A/S (collectively, "SAS"), dated September 10, 2010, and the Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of Settlement with Defendants Scandinavian Airlines System and SAS Cargo Group A/S, dated September 22, 2010, along with its supporting exhibits, and all other papers and proceedings herein, Plaintiffs will move this Court on a date and time to be set by the Court, before the Honorable John Gleeson, United States District Judge, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, pursuant to Rule 23 of the Federal Rules of Civil Procedure to enter an order:

- i. preliminarily approving the settlement agreement between plaintiffs and SAS, executed on September 10, 2010 (the "SAS Settlement Agreement"), on the grounds that its terms are sufficiently fair, reasonable, and adequate for notice to be issued to the settlement class;
- ii. certifying the settlement class as defined in the SAS Settlement Agreement for purposes of settlement only, pursuant to Federal Rule of Civil Procedure 23(c), and authorizing plaintiffs to represent the settlement class;
- iii. ordering settlement class counsel to disseminate notices to the settlement class ("Notice");

- iv. determining, pursuant to Rule 23(c)(2) of the Federal Rules of Civil Procedure, that the giving of Notice pursuant to the notice plan will constitute the best notice practicable of this proposed settlement, the fairness hearing, and the rights of the members of the settlement class with respect thereto, and that such notice satisfies the requirements of due process;
- v. approving The Garden City Group as administrator of the settlement and Citibank as escrow agent pursuant to the escrow agreement entered into between the parties;
- vi. setting deadlines for class members to serve and file any objections to the SAS Settlement Agreement and a request for litigation expenses;
- vii. scheduling a Fairness Hearing to (a) determine the fairness, reasonableness, and adequacy of the SAS Settlement Agreement and whether it should be finally approved by the Court; and (b) evaluate plaintiffs' request for litigation expenses; and
- viii. granting such other and further relief as may be appropriate.

Oral argument on this motion will be held on a date and time set by the Court.

Dated: New York, New York
September 22, 2010

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